FORM NLRB-501

1/0

## UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD

# DO NOT WRITE IN THIS SPACE Case Date Filed 2-CA-40056 8/6/10

#### CHARGE AGAINST EMPLOYER

INSTRUCTION	NS
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File an origin	ial and 4 copies of	f this charge v	with NLRB Regional I	Director for
the region in	which the alleged	l unfair labor	practice occurred or	is occurring.

1 EMPLOYER AGAINST	WHOM CHARGE IS BROUGHT	
a Name of Employer		b Number of workers employed
D C-1 - C A		30+
Pre School of America		
c. Address (street, city, state, ZIP code)	d Employer Representative	e. Telephone No. & Fax No.
101 West End Avenue	Joanne Fan, Owner	(212) 362-0135
New York, 10023		į
f Type of Establishment (factory, mine, wholesaler, etc.)	g. Identify principal product or service	e
Day Care Services	Child Care	
<ul> <li>The above-named employer has engaged in and is engaging in unfa- of the National Labor Relations Act and these unfair labor practices are</li> </ul>	r labor practices within the meaning of	section 8(a), subsections (1) and (3)
2. Basis of the Charge (set forth a clear and concise statement of the fa	icts constituting the alleged unfair labo	r practices)
On or about August 5, 2010, the above-named Emplo	over hy its agents officers ar	nd representatives
terminated employees Hope Dublin, Joan Deleon and	d Aposis I lound on August 6	2010 because of their
support and activities on behalf - (District Council 1)	Allesia Lloyed Oil August 6	o, 2010, because of their
support and activities on behalf of District Council 17	707, AFSCME, AFL-CIO.	
•	•	
		70R
		<b>○ ○ ○ ○ ○ ○ ○ ○ ○ ○ ○ ○ ○ ○ ○ ○ ○ ○ ○ </b>
		즉 내
		- 1
		45
3 Full name of party filing charge (if labor organization, give full name,	including local name and number)	
District Council 1707, AFSCME, AFL-CIO		
4a Address (street and number, city, state and ZIP code)	•	4b Telephone No. & Fax No
101 Ave of the Americas		Cell: 201 220 3647
New York, NY 10013		<sub>1</sub>
5 Full name of national or international labor organization of which it is	an affiliate or constituent unit (to be fill	ed in when charge is filed by a labor
organization)		
6 DEC	CLARATION	
I declare that I have read the above charge and that the	statements are true to the best of my	knowledge and belief
$\bigcirc$ n $\bigcirc$	al. I.	i i
By	6 6 0 Title Org	ganizer
Signature of representative or person making charge Julian De J	esus	
Address	Telephone No	Date
Same as above	Same as above	August 6, 2010

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

#### AFFIDAVIT OF SERVICE

Pre School of America Attn: Joanne Fan, Owner 101 West End Avenue New York, NY 10023

Pre School of America Re: Case No. 2-CA-40056 Farrell Tate [ X ]CHARGE [ ]PETITION I certified that I served the above-referenced letter this day by post paid regular mail on the addressee above together with a transmittal letter. This is a true сору. Subscribed and sworn to by me 10 \_day of \_\_ 2010 August

FORM NLR8-501

i.o United State': Of America National Labor Relations Board AMENDED CHARGE AGAINST EMPLOYER

	RM EXEMPT UNDER 44 U.S.C. 3512 EIN THIS SPACE
Case 2CA-40056	9/20/10

dos: 00 10 02 des

INSTRUCTIONS

File an original and a copies of this charge with NLRB Regional the region in which the alleged unfair labor practice occurred or	Director for is occurring. INST WH(IM CHARGE IS BROUGHT	
a. Name of Employer	MOT VIII OF STREET	b. Number of workers employed
Preschool of America		1000+
c. Address (street, city, state, ZIP code)	d. Employer Representative	e. Telephone No. & Fax No.
101 West End Avenue, NY, NY 10023	Joanna Fan	212-362-0135
1501 Lexington Avenue, NY, NY 10128		
f. Type of Establishment (factory, mine, wholesaler, etc.)	g. Identify principal product or service	
School	day care and education	
h. The above-named employer has engage of in and is engaging in un	lizir labor practices within the meaning of	section 8(a)(1), (3) and (4) of the
National Labor Relations Act, and these unvair labor practices are unter 2. Basis of the Charge (set forth a clear and concise statement of the		
On or about August 5, 2010, the above-named Employees Hope Dublin, Joan Deleon, Anesia Lloyd, other similarly situated employees because of their su AFL-CIO (Union)	yer, by its agents, officers and re Tatiana Navia, Tamika Singletor	epresentatives, terminated n, Samantha Gordian-Grerena, and
On or about August 16, 2010, the above-named Employees Catherine Duran and Fatyana Gibbs and cactivities on behalf of the Union.		
On or about August 24, 2010, the above named Empleon and ot activities on behalf of the Union.		
On or about August 27, 2010, the above-named Employees Evelyn Aguirre, Magaly Linares and Reina support for and activities on behalf of the Union.	loyer, by its agents, officers and a Peralta and other similarly situa	representatives, terminated ated employees because of their
On or about September 8, 2010, the above-named Er employee Amanda Nunes and other similarly situated the Union.	mployer, by its agents, officers a l employees because of their su	nd representatives, terminated oport for and activities on behalf of
On or around June 21, 2010, the above-named Emplo Avenue, interrogated its employees about their Union	oyer, by its agent Joanna Fan in sympathies.	its facility located at 101 West End
On or around June 21, 2010, the above-named Emplo Avenue, solicited the rescission of its employees Union	oyer, by its agent Joanna Fan in on authorization cants.	its facility located at 101 West End
On or around June 21, 2010, the above-named Employees Avenue, created an impression among its employees 3. Full name of party filing charge (if labor organization, give full nan District Council 1707, AFSCME, AFL-CIO	that their Union activities were a	its facility located at 101 West End under surveillance by Employer.
4a. Address (street and number, city, state and ZIP code)		4b Telephone No. & Far No
75 Varick Street, New York, NY 10010		(ph) 212-219-0022
5 bull name of national or informational fallons are similar of think		(fax) 212-925-0806
<ol> <li>Full name of national or international fallor organization of which by a tabor organization.</li> </ol>		ied in when charge is filed
i dixtare that I have read the above charge and	G. DECLARATION	I my knowledge and helf-f
A	wer and community size and the Dazi Ci	TINY KINDWIEDGE AND DERET.
Signature of general and a signature of general and ge	Tyle A	ttorney TAITA
Signature of representative or person making charge Harvey S Address	. Mars Teleokone No.	
322 West 48" Street, New York, NY	212-765-4300	September 8, 2010 PECENCO
Willful False Statements on T	HIS CHARGE CAN BE PUNISHED BY F	THE AND IMPRISONMENT
	CODE, TITLE 18, SECTION 1901)	SEP IN LUID 3
		actoria de de la compansión de la compan
		MEN YORK &E

On or around June 21, 2010, the above-named Employer, by its agent Joanna Fan in its facility located at 101 West End Avenue, informed its employees that it would be futile for them to select the Union as their bargaining representative.

On or around June 23, 2010, the above-named Employer, by its agent Kathy Huang in its facility located at 101 West End Avenue, interrogated its employees about their Union sympathies.

On or around June 23, 2010, the above-named Employer, by its agent Kathy Huang in its facility located at 101 West End Avenue solicited the rescission of its employees Union authorization cards.

On or around June 24, the above-named Employer, by its agent Robin Mauro in its facility located at 101 West End Avenue threatened employees with termination if they supported the Union.

On or around June 24, the above-named Employer, by its agent Robin Mauro in its facility located at 101 West End Avenue, initerrogated employees about their Union sympathies.

On or around late June 2010, the above-named Employer, by its agent Kathy Huang in its facility located at 101 West End Avenue, interrogated its employees about their Union sympathies and activities and the Union sympathies and activities of their co-workers.

On or around late June 2010, the above-named Employer, by its agent Robin Mauro in a letter threatened its employees at 101 West End Avenue with unspecified reprisals if they supported the Union.

On or around July 7, 2010, the above-named Employer, by its officers, agents and representatives reduced the work hours of employee Samantha Gordian-Gerena because of her support for and activities on behalf of the Union, and because she engaged in other protected concerted activities.

On or around July 9, 2010, the above-named Employer, by its agent Robin Mauro in its facility located at 101 West End Avenue, threatened employees with termination if they engaged in a strike.

On or around July 9, 2010, the above-named Employer, by its agent Robin Mauro in its facility located at 101 West End Avenue, threatened employees with termination if they supported the Union.

On or around July 19, 2010, the above-named Employer, by its agent Joanna Fan in its facility at West End Avenue threatened its employees with unspecified reprisals unless the employees voted against the Union.

On or around July 19, 2010, the above named Employer, by its agent Joanna Fan in its facility at 101 West End Avenue promised its employees that terms and conditions of employment would improve if they voted against the Union.

On or around July 19, 2010, the above-named Employer, by its agent Robin Mauro in its facility located at 101 West End Avenue, interrogated its employees about their Union activities and sympathies and the Union activities and sympathies of their co-workers.

On or around July 19, 2010, the above-named Employer by its agent Robin Mauro in its facility located at 101 West End Avenue, threatened employees with discharge if they supported the Union.

On or around July 19, 2010, the above named Employer, by its agent Robin Maura in its facility located at 101 West End Avenue, informed its employees that it would be futile for them to select the Union as their bargaining representative.

On or around July 19, 2010, the above-named Employer, by its agent Robin Maura in its facility located at 101 West End Avenue, threatened its employees with discharge if they went on strike.

On or around July 21, 2010, the above named Employer, by its officers, agents and representatives issued a written warning to Wendy Puello because she testified on behalf of the Union in Case No. 2-RC-23509.

On or around July 26, 2010, the above-named Employer, by its agent Joanna Fan in its facility located at 101 West End Avenue, informed its employees that it would be futile for them to select the Union as their bargaining representative.

On or around July 26, 2010, the above-named Employer by its agent Joanna Fan in its facility located at 101 West End Avenue, threatened employees with discharge if they supported the Union.

On or around July 27, 2010, the above-named Employer, by its agent Mego Gojka in its facility located at 101 West End Avenue, informed its employees that it would be futile for them to select the Union as their bargaining representative.

On or around July 27, 2010, the above named Employer, by its agent Mego Gojka in its facility located at 101 West End Avenue threatened employees with discharge if they engaged in a strike.

On or around July 27, 2010, the above-named Employer, by its agent Robin Maura in its facility located at 101 West End Avenue, threatened its employees with discharge if they went on strike.

On or around July 28, 2010, the above-named Employer, by its agent Joanna Fan in its facility located at 101 West End Avenue, informed its employees that it would be futile for them to select the Union as their bargaining representative.

On or around July 28, 2010, the above named Employer, by its agent Joanna Fan in its facility located at 101 West End Avenue threatened employees with discharge if they engaged in a strike.

On or around July 28, 2010, the above-named Employer, by its agent Joanna Fan in its facility at West End Avenue threatened its employees with unspecified reprisals unless the employees voted against the Union.

On or around July 30, 2010, the above-named Employer by its agent Joanna Fan in its facility at 1501 Lexington Avenue threatened employees with a five year wage freeze if they supported the Union.

On or around July 30, 2010, the above-named Employer by its agent Joanna Fan in its facility at 1501 Lexington Avenue promised employees benefits, including 2% raises, if they employees did not support the Union.

On or around July 30, 2010, the above-named Employer by its agent Joanna Fan in its facility at 1501 Lexington Avenue threatened to shut down the facility if the employees supported the Union.

On or around July 30, 2010, the above-named Employer by its agent Joanna Fan in its facility at 1501 Lexington Avenue informed employees that it would be futile for them to select the Union as their bargaining representative.

On or around July 30, 2010, the above-named Employer by its agent Joanna Fan in its facility at 1501 Lexington Avenue threatened employees with a change in working conditions, i.e. that the employees could not speak directly to supervisors, if the employees supported the Union.

On or around July 30, 2010, the above-named Employer by its agent Joanna Fan in its facility at 1501 Lexington Avenue threatened employees with unspecified reprisals if they supported the Union.

On or around August 10, 2010, the above-named Employer by its agent Gina (Inu) in its facility at 1501 Lexington Avenue gave employees the impression that their Union activities were under surveillance by the Employer.

On or around August 10, 2010, the above-named Employer by its agent Gina (Inu) in its facility at 1501 Lexington Avenue told employees that employees at the West End facility had been terminated for their Union activities.

On or around mid-August 2010, the above named Employer by its agent Kelly Huang in its facility at 1501 Lexington Avenue threatened employees with termination if they supported the Union.

On or around August 16, 2010, the above-named Employer by its agent Gina (Inu) in its facility at 1501 Lexington Avenue informed employees that it would be futile for them to select the Union as their bargaining representative.

On or around August 16, 2010, the above-named Employer by its agent Gina (Inu) in its facility at 1501 Lexington Avenue threatened employees with termination if they support the Union.

On or around August 16, 2010, the above-named Employer by its agent Gina (Inu) in its facility at 1501 Lexington Avenue told employees that employees at the West End facility had been terminated for their Union activities.

On or around August 24, 2010, the above-named Employer by letter signed by its agent Joanna Fan in its facility at 1501 Lexington Avenue threatened employees with termination if they supported the Union and/or engaged in protected concerted activities

On or around August 24, 2010, the above-named Employer by its agent Gina (Inu) in its facility at 1501 Lexington Avenue told employees that Dianna DeLeon was terminated because she engaged in protected concerted activities and activities on behalf of the Union.

On or around August 24, 2010, the above-named Employer by its agent Gina (Inu) in its facility at 1501 Lexington Avenue informed employees that it would be futile for them to select the Union as their bargaining representative.

On or around August 31, 2010, the above-named Employer by its agent Kelly Huang in its facility at 1501 Lexington Avenue promised employees benefits if the employees did not support the Union, including a 2% wage increase.

On or around August 31, 2010, the above-named Employer by its agent Kelly Huang in its facility at 1501 Lexington Avenue threatened that employees would not receive wage increases if they supported the Union.

On or around August 31, 2010, the above-named Employer by its agent Kelley Huang in its facility at 1501 Lexington Avenue threatened employees with discharge if they supported the Union.

#### AFFIDAVIT OF SERVICE

Pre School of America Joanne Fan Owner 101 West End Avenue New York, NY 10023

Re:

Pre School of America Case No. 2-CA-40056

Geoffrey Dunham

AMENDED
[ X ] CHARGE

] PETITION

I certify that I served the above-referenced letter this day by post paid regular mail on the addressee above together with a transmittal letter. This is a true copy.

E

Subscribed and sworn to before me

This 23rd day of September 2010

Designated Agent

FORM NURB-501

1.0

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

NATIONAL LABOR RELATIONS BRARD SECOND AMENDED CHARGE AGAINST EMPLOYER FORM EXEMPT UNDER 44 U.S.C 3512

Date Filed

2-CA-40056

12/30/10

NS I	RUC	TIONS
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e an onglast and 4 copies of this charge with MLRO Regional	Director for	
e region in which the alleged untain tabor practice occurred or	INST WHOM CHARGE IS BROUGHT	
Name of Employer		b. Number of workers employed
reschool of America		1000+
Address (street, city, state, ZIP coste)	d. Employer Representative	e. Telephona No. & Fax No.
Address (street, city, state, or citize)	Joanna Fan	212-362-0135
01 West End Avenue, NY, NY 10023	John Maria	
501 Lexington Avenue, NY, NY 10128		
Type of Establishment (factory, mine, wholesaler, etc.)	g. Identify principal product or service	
ichool	day care and education	
Chool  The above-named employer has engaged in and is engaging in a reconstruction of the Charge (set furth a clear and concess statement of the On or about August 5, 2010, the above-named Employer dispersion of the Charge (set furth a clear and concess statement of the On or about August 5, 2010, the above-named Employer dispersion of their support for and activated employees because of their support for and activated employees and Tatyana Gibbs and other similarly of the Union.  On or about August 24, 2010, the above-named Employees on behalf of the Union.  On or about August 27, 2010, the above-named Employees on behalf of the Union.  On or about September 8, 2010, the above-named Employees on around August 5, 2010, August 16, August 27 arofficers and representatives has failed and refused to be termination of the aforementioned employees on the discovernamed Employees about their Union of the aforementioned employees on the discovernamed Employees about their Union of the around June 21, 2010, the above-named Employees on around June 21, 2010, the above-named Employees about their Union of the around June 21, 2010, the above-named Employees Union of the around June 21, 2010, the above-named Employees Union of the around June 21, 2010, the above-named Employees Union of the around June 21, 2010, the above-named Employees Union of the around June 21, 2010, the above-named Employees Union of the around June 21, 2010, the above-named Employees Union of the around June 21, 2010, the above-named Employees Union of the around June 21, 2010, the above-named Employees Union of the around June 21, 2010, the above-named Employees Union of the around June 21, 2010, the above-named Employees Union of the aro	profess before practices within the meaning on untain practices affecting commerce with the facts constituting the attaged untain table, by its agents, officers and representatives on behalf of District Council ver, by its agents, officers and represituated employees because of the ger, by its agents, officers and represituated employees because of the interest of the interest and representative of their support for and a because of their support for and a because of their support for and a pagain on September 8, the above argain with the Union over a manual case of the interest.  Invertible its agent Joanna Fan in its sympathies.	sentatives, terminated employees indian-Grerena, and other similarly 1707, AFSCME, AFL-CIO (Union).  Resentatives terminated employees eir support for and activities on behalf resentatives, terminated employees in support for and activities on behalf of resentatives, terminated employees is because of their support for and representatives, terminated employee activities on behalf of the Union.  The named Employer by its agents, datory subject of bargaining, namely the facility located at 101 West End  I facility located at 101 West End
3 Full name of party filing change (if labor organization, give full	name, including local name and number	)
District Council 1707, AFSCME, AFL-CI	0	
48 Address (street and number, city, state and ZIP code)		4b. Telephone No. & Fax No
		(ph) 212-219-6022
75 Varick Street, New York, NY 10010		(fax) 212-925-0806
5 Full name of national or exemptional labor organization of with by a labor organization.	ich q is an aiffkale or construent unli (to	
	6. DECLARATION	
I declare that I have read the above chargo a	and that the statements are true to the ba	st of my knowledge and ballef.
M		
By	Title	Attorney (1)
Signature of representative or parson making charge Harvey	y 5. Mars	
Address	Tetephone No.	Date
322 West &8 Street New York MY	212 765 4300	September 8, 2010

YOR, NY 212-765-4300 SEPTEMBER 6, 2010
WILLFUL FAI SE STAVEMENTS ON THIS CHARGE CAN BE PURISHED BY FIRE AND IMPRISONMENT
(U.S. CODE, TITLE 18, SECTION 1891)

DEC 3 0 2018 SECTION OF THE PARTY YORK, WAS

On or around June 21, 2010, the above-named Employer, by its agent Joanna Fan in its facility located at 101 West End Avenue, informed its employees that it would be futile for them to select the Union as their bargaining representative.

On or around June 23, 2010, the above-named Employer, by its agent Kathy Huang in its facility located at 101 West End Avenue, interrogated its employees about their Union sympathies.

On or around June 23, 2010, the above-named Employer, by its agent Kathy. Huang in its facility located at 101 West End Avenue solicited the rescission of its employees Union authorization cards.

On or around June 24, the above-named Employer, by its agent Robin Mauro in its facility located at 101 West End Avenue threatened employees with termination if they supported the Union.

On or around June 24, the above-named Employer, by its agent Robin Mauro in its facility located at 101 West End Avenue, interrogated employees about their Union sympathics.

On or around late June 2010, the above-named Employer, by its agent Kathy Huang in its facility located at 101 West End Avenue, interrogated its employees about their Union sympathies and the Union sympathies of their co-workers.

On or around late June 2010, the above-named Employer, by its agent Robin Mauro in a letter threatened its employees at 101 West End Avenue with unspecified reprisals if they supported the Union.

On or around July 7, 2010, the above-named Employer by its officers, agents and representatives reduced the work hours of employee Samantha Gordian-Gerena because of her support for and activities on behalf of the Union, and because she engaged in other unfair labor practices.

On or around July 9, 2010, the above-named Employer, by its agent Robin Mauro in its facility located at 101 West End Avenue, threatened employees with termination if they engaged in a strike.

On or around July 9, 2010, the above-named Employer, by its agent Robin Mauro in its facility located at 101 West End Avenue, threatened employees with termination if they supported the Union.

On or around July 9, the above-named Employer, by its agent Robin Mauro in its facility located at 101 West End Avenue, informed employees that support for the Union would be futile.

On or around July 16, the above-named Employer, by its agent Robin Mauro in its facility located at 101 West End Avenue threatened employees with discharge if they supported the Union.

On or around July 19, 2010, the above-named Employer, by its agent Joanna Fan in its facilities at West End Avenue and on or around August 6 at its facility located at 1501 Lexington Avenue threatened that its employees would be replaced if they went on strike and threatened its employees with decreased benefits and plant closure if the employees supported the Union.

On or around late July 2010, the above-named Employer, by its agent Robin Mauro in its facility located at 101 West End Avenue, interrogated its employees about their Union activities and sympathies and the Union activities and sympathies of their co-workers.

On or around July 19, 2010, the above-named Employer by its agent Robin Mauro in its facility located at 101 West End Avenue, threatened employees with discharge if they supported the Union.

On or around July 19, 2010, the above-named Employer, by its agent Robin Maura in its facility located at 101 West End Avenue, informed its employees that it would be futile for them to select the Union as their bargaining representative.

On or around July 19, 2010, the above-named Employer, by its agent Robin Maura in its facility located at 101 West End Avenue, threatened its employees with discharge if they went on strike.

On or around July 21, 2010, the above-named Employer, by its officers, agents and representatives issued a written warning to Wendy Puello because she testified on behalf of the Union in Case No. 2-RC-23509.

On or around July 23, 2010, the above-named Employer, by its agent Joanna Fan in its facility located at 101 West End Avenue, interrogated employees about their Union sympathies, informed employees that support for the Union would be futile, and gave employees the impression that their Union activities were under surveillance by the Employer.

On or around July 26, 2010, the above-named Employer, by its agent Joanna Fan in its facility located at 101 West End Avenue, informed its employees that it would be futile for them to select the Union as their bargaining representative.

On or around July 26, 2010, the above-named Employer by its agent Joanna Fan in its facility located at 101 West End Avenue, threatened employees with discharge if they supported the Union.

On or around July 27, 2010, the above-named Employer, by its agent Mego Gojka in its facility located at 101 West End Avenue, informed its employees that it would be futile for them to select the Union as their bargaining representative.

On or around July 27, 2010, the above named Employer, by its agent Mego Gojka in its facility located at 101 West End Avenue threatened employees with discharge if they engaged in a strike.

On or around July 27, 2010, the above-named Employer, by its agent Robin Mauro in its facility located at 101 West End Avenue, threatened its employees with discharge if they went on strike.

On or around July 27, 2010, the above named Employer, by its agent Robin Mauro or Mego Gojka in its facility at 101 West End Avenue, threatened employees with termination if they supported the Union.

On or around July 28, 2010, the above-named Employer, by its agent Joanna Fan in its facility located at 101 West End Avenue promised employees with increased benefits if they refrained from supporting the Union, informed employees that support for the Union was fullle and threatened employees with unspecified reprisals unless the employees voted against the Union.

On or around July 30, 2010, the above-named Employer by its agent Joanna Fan in its facility at 101 West End Avenue threatened employees with termination if they engaged in a strike.

On or around July 30, 2010, the above-named Employer by its agent Joanna Fan in its facility at 101 West End Avenue threatened employees with a five year wage freeze if they supported the Union and promised employees increased benefits if they did not support the Union, including a 2% wage increase.

On or around July 30, 2010, the above-named Employer by its agent Joanna Fan in its facility at 101 West End Avenue informed employees that it would be futile for them to select the Union as their bargaining representative.

On or around July 30, 2010, the above-named Employer by its agent Joanna Fan in its facility at 101 West End Avenue threatened employees with a change in working conditions, i.e. that the employees could not speak directly to supervisors, if the employees supported the Union.

On or around July 30, 2010, the above-named Employer by its agent Joanna Fan in its facility at 101 West End Avenue threatened to close the facility if the employees supported the Union.

On or around July 30, 2010, the above-named Employer by its agent Joanna Fan in its facility at 101 West End Avenue threatened employees with unspecified reprisals if they supported the Union.

On or around August 2, 2010, the above-named Employer by its agent Joanna Fan in its facility located at 101 West End Avenue interrogated employees about their Union sympatnies.

On or around August 5, 2010, the above-named Employer by its agent Joanna Fan in its facility located at 1501 Lexington Avenue informed employees that support for the Union would be futile, created the impression that employees Union activities were under surveillance, and threatened employees with decreased benefits, changed terms and conditions of employment and unspecified reprisals if they supported the Union.

On or around the first week of August, the above-named Employer by its agent Kelly Li at its facility located at 1501 Lexington Avenue threatened employees with termination and decreased benefits if they supported the Union.

On or around August 10, 2010, the above-named Employer by its agent Gina Cavitolo in its facility at 1501 Lexington Avenue gave employees the impression that their Union activities were under surveillance by the Employer.

On or around August 10, 2010, the above-named Employer by its agent Gina Cavitolo in its facility at 1501 Lexington Avenue told employees that employees at the West End facility had been terminated for their Union activities.

On or around August 10, 2010, the above-named Employer by its agent Gina Cavitolo in its facility at 1501 Lexington Avenue threatened employees with termination if they supported the Union.

On or around August 13 2010, the above-named Employer by its agent Kelly Li in its facility at 1501 Lexington Avenue threatened employees with termination if they supported the Union.

On or around August 16, 2010, the above-named Employer by its agent Gina Cavitolo in its facility at 1501 Lexington Avenue informed employees that it would be futile for them to select the Union as their bargaining representative.

On or around August 16, 2010, the above-named Employer by its agent Gina Cavitolo in its facility at 1501 Lexington Avenue threatened employees with termination if they support the Union.

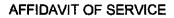
On or around August 16, 2010, the above-named Employer by its agent Gina Cavitolo in its facility at 1501 Lexington Avenue told employees that employees at the West End facility had been terminated for their Union activities.

### Case 1:11-cv-01850-TPG Document 1-2 Filed 03/17/11 Page 14 of 21

On or around August 19, 2010, the above-named Employer by its agent Mego Gojka near its facility at 101 West End Avenue informed employees that they were terminated for supporting the Union.

On or around August 24, 2010, the above-named Employer by its agent Gina Cavitolo in its facility at 1501 Lexington Avenue informed employees that it would be futile for them to select the Union as their bargaining representative.

On or around August 24, 2010, the above named Employer by its agent Gina Cavitolo in its facility at 1501 Lexington Avenue told employees that Dianna DeLeon was terminated because she engaged in protected concerted activities and activities on behalf of the Union.



Pre School of America Attn: Joanne Fan, Owner 101 West End Avenue New York, NY 10023

> Re: Pre School of America Case No. 2-CA-40056

> > Nicole Buffalano

AMENDED
X ] CHARGE [ ] PETITION

I certify that I served the above-referenced letter this day by post paid regular mail on the addressee above together with a transmittal letter. This is a true copy.

Subscribed and sworn to before me

This \_\_\_\_\_ 3 \_\_\_\_ day of \_\_\_\_\_ Jan \_\_\_\_ 2011

**Designated Agent** 

Zisa Cole

FORM NLRB-501

1.0 UNITED STATES OF AMERICA

#### NATIONAL LABOR RELATIONS BOARD THIRD AMENDED CHARGE AGAINST EMPLOYER

Signature of representative or person making charge Harvey S. Mars

322 West 48" Street, New York, NY

FORM EXEMPT UNDER 44 U.S.C. 3511  DO NOT WRITE IN THIS SPACE			
Case	Date Filed		
2-CA-40056	1/13/11		

INSTRUCTIONS			
File an original and 4 copies of this charge with MLRB Regional I the region in which the alleged unfair labor practice occurred or	is occurring		
1. EMPLOYER AGAI	INST WHOM CHARGE IS BROUGHT		
a. Name of Employer		b. Number of workers employed	
Preschool of America		1000+	
c. Address (street, city, state, ZIP code)	d. Employer Representative	e. Telephone No. & Fax No.	
101 West End Avenue, NY, NY 10023	Joanna Fan	212-362-0135	
· · · · · · · · · · · · · · · · · · ·	Juanna Fan	212-302-0133	
1501 Lexington Avenue, NY, NY 10128			
f. Type of Establishment (factory, mine, wholesaler, etc.)	g. Identity principal product or service		
School	day care and education		
h. The above-named employer has engaged in and is engaging in un of the National Labor Relations Act, and these unfair labor practices at Basic of the Charge (set forth a clear and concise statement of the	t Mair labor practices within the meaning of s are unfair practices affecting commerce will be facts constituting the effeged untair lebor	section 8(a)(1), (3), (4) and (5) thin the meaning of the Act. predices)	
On or about August 5, 2010, the above-named Employer Hope Dublin, Joan Deleon, Anesia Lloyd, Tatiana Navia, their support for and activities on behalf of District Council.	r, by its agents, officers and repres , Tamika Singleton, and other simil	entatives, terminated employees arry situated employees because of	
On or about August 16, 2010, the above-named Employ: Catherine Duran and Tatyana Gibbs and other similarly of the Union.			
On or about August 24, 2010, the above named Employ Wendy Puello and Dianna OeLeon and other similarly sithe Union.	er, by its agents, officers and repre tuated employees because of their	esentatives, terminated employees support for and activities on behalf of	
On or about August 27, 2010, the above-named Employ Evelyn Aguirre, Magaly Linares and Reina Peralta and o activities on behalf of the Union.			
On or about September 8, 2010, the above-named Emp Amanda Nunes and other similarly situated employees by			
On or around August 5, 2010, August 16, August 27 and officers and representatives has failed and refused to be termination of the aforementioned employees on the date.	argain with the Union over a manda		
On or around June 21, 2010, the above-named Employe Avenue, interrogated its employees about their Union sy		acility located at 101 West End	
On or around June 21, 2010, the above-named Employer, by its agent Joanna Fan in its facility located at 101 West End Avenue, solicited the rescission of its employees Union authorization cards.			
On or around June 21, 2010, the above-named Employe Avenue, created an impression among its employees the	at their Union activities were under	acility located at 101 West End	
3. Full name of party filing charge (if labor organization, give full name	ne, including local name and number)		
District Council 1707, AFSCME, AFL-CIO		<u>·</u>	
4s. Address (street and number, city, state and ZiP code)		4b. Telephone No. & Fax No	
75 Varick Street, New York, NY 10010 (ph) 212-219-0022			
(fax) 212-925-0806			
Full name of national or international labor organization of which	it is an official or constituent unit to be 50		
by a labor organization.  by a labor organization.    Description	n is an animate of constituent and 40 de mi	ed in wider (standard inten	
	6 DECLARATION	77	
I declare that I have read the above charge and	that the statements are true to the best of	my knowledge and belief	
By Corway S. Mans		ttorney	

212-765-4300

Yelaphone No.

Date January 11, 2011 On or around June 23, 2010, the above-named Employer, by its agent Kathy Huang in its facility located at 101 West End Avenue, interrogated its employees about their Union sympathics.

On or around June 23, 2010, the above-named Employer, by its agent Kathy Huang in its facility located at 101 West End Avenue solicited the rescission of its employees Union authorization cards.

On or around June 24, the above-named Employer, by its agent Robin Mauro in its facility located at 101 West End Avenue threatened employees with termination if they supported the Union.

On or around June 24, the above-named Employer, by its agent Robin Mauro in its facility located at 101 West End Avenue, interrogated employees about their Union sympathies.

On or around late June 2010, the above-named Employer, by its agent Robin Mauro in a letter threatened its employees at 101 West End Avenue with unspecified reprisals if they supported the Union.

On or around July 9, the above-named Employer, by its agent Robin Mauro in its facility located at 101 West End Avenue, informed employees that support for the Union would be futile.

On or around July 16, the above-named Employer, by its agent Robin Mauro in its facility located at 101 West End Avenue threatened employees with discharge if they supported the Union.

On or around July 19, 2010, the above-named Employer, by its agent Joanna Fan in its facilities at West End Avenue and on or around August 6 at its facility located at 1501 Lexington Avenue threatened that its employees would be replaced if they went on strike and threatened its employees with decreased benefits and plant closure if the employees supported the Union

On or around late July 2010, the above-named Employer, by its agent Robin Mauro in its facility located at 101 West End Avenue, interrogated its employees about their Union activities and sympathies and the Union activities and sympathies of their co-workers.

On or around July 19, 2010, the above-named Employer by its agent Robin Mauro in its facility located at 101 West End Avenue, threatened employees with discharge if they supported the Union.

On or around July 19, 2010, the above-named Employer, by its agent Robin Maura in its facility located at 101 West End Avenue, informed its employees that it would be futile for them to select the Union as their bargaining representative.

On or around July 21, 2010, the above-named Employer, by its officers, agents and representatives issued a written warning to Wendy Puello because she testified on behalf of the Union in Case No. 2-RC-23509.

On or around July 23, 2010, the above-named Employer, by its agent Joanna Fan in its facility located at 101 West End Avenue, interrogated employees about their Union sympathies, informed employees that support for the Union would be futile, gave employees the impression that their Union activities were under surveillance by the Employer, and solicited the grievances of employees with the implicit promise to remedy their grievances.

On or around July 26, 2010, the above-named Employer, by its agent Joanna Fan in its facility located at 101 West End Avenue, informed its employees that it would be futile for them to select the Union as their bargaining representative.

On or around July 26, 2010, the above-named Employer by its agent Joanna Fan in its facility located at 101 West End Avenue, threatened employees with discharge if they supported the Union.

On or around July 27, 2010, the above-named Employer, by its agent Mego Gojka in its facility located at 101 West End Avenue, informed its employees that it would be futile for them to select the Union as their bargaining representative.

On or around July 27, 2010, the above named Employer, by its agent Mego Gojka in its facility located at 101 West End Avenue threatened employees with discharge if they engaged in a strike.

On or around July 27, 2010, the above-named Employer, by its agent Robin Mauro in its facility located at 101 West End Avenue, threatened its employees with discharge if they went on strike.

On or around July 27, 2010, the above-named Employer, by its agent Robin Mauro or Mego Gojka in its facility at 101 West End Avenue, threatened employees with termination if they supported the Union.

On or around July 27, 2010, the above-named Employer, by its agent Robin Mauro, Mego Gojka and/or Jill Howard in its facility at 101 West End Avenue, promised employees that the Employer would discuss improving the sick leave policy if employees abandoned support for the Union.

On or around July 28, 2010, the above-named Employer, by its agent Joanna Fan in its facility located at 101 West End Avenue promised employees with increased benefits if they refrained from supporting the Union and informed employees that support for the Union was futile.

On or around July 30, 2010, the above-named Employer by its agent Joanna Fan in its facility at 101 West End Avenue threatened employees with termination if they engaged in a strike.

On or around July 30, 2010, the above-named Employer by its agent Joanna Fan in its facility at 101 West End Avenue threatened employees with a five year wage freeze if they supported the Union and solicited employee grievances and implicitly promised to remedy any grievances.

On or around July 30, 2010, the above-named Employer by its agent Joanna Fan in its facility at 101 West End Avenue informed employees that it would be futile for them to select the Union as their bargaining representative.

On or around July 30, 2010, the above-named Employer by its agent Joanna Fan in its facility at 101 West End Avenue threatened employees with a change in working conditions.

On or around July 30, 2010, the above-named Employer by its agent Joanna Fan in its facility at 101 West End Avenue threatened employees with unspecified reprisals if they supported the Union.

On or around August 2, 2010, the above-named Employer by its agent Joanna Fan in its facility located at 101 West End Avenue interrogated employees about their Union sympathies.

On or around August 5, 2010, the above-named Employer by its agent Joanna Fan in its facility located at 1501 Lexington Avenue informed employees that support for the Union would be futile, created the impression that employees Union activities were under surveillance, promised employees increased wages if they did not select the Union as their representative, and threatened employees with changed terms and conditions of employment, unspecified reprisals and facility closure if they supported the Union.

On or around August 10, 2010, the above-named Employer by its agent Gina Cavitolo in its facility at 1501 Lexington Avenue gave employees the impression that their Union activities were under surveillance by the Employer.

On or around August 10, 2010, the above-named Employer by its agent Gina Cavitolo in its facility at 1501 Lexington Avenue told employees that employees at the West End facility had been terminated for their Union activities.

On or around August 10, 2010, the above-named Employer by its agent Gina Cavitolo in its facility at 1501 Lexington Avenue threatened employees with termination if they supported the Union.

On or around August 16, 2010, the above-named Employer by its agent Gina Cavitolo in its facility at 1501 Lexington Avenue informed employees that it would be futile for them to select the Union as their bargaining representative.

On or around August 16, 2010, the above-named Employer by its agent Gina Cavitolo in its facility at 1501 Lexington Avenue threatened employees with termination if they support the Union.

On or around August 16, 2010, the above-named Employer by its agent Gina Cavitolo in its facility at 1501 Lexington Avenue told employees that employees at the West End facility had been terminated for their Union activities.

On or around August 19, 2010, the above-named Employer by its agent Mego Gojka near its facility at 101 West End Avenue informed employees that they were terminated for supporting the Union.

On or around August 24, 2010, the above-named Employer by its agent Gina Cavitolo in its facility at 1501 Lexington Avenue informed employees that it would be futile for them to select the Union as their bargaining representative.

On or around August 24, 2010, the above-named Employer by its agent Gina Cavitolo in its facility at 1501 Lexington Avenue told employees that employees at the West End facility had been terminated for Union activities and threatened employees with discharge if they supported the Union.

On or around the last week of August, the above-named Employer by its agent Kelly Li at its facility located at 1501 Lexington Avenue threatened employees with termination if they selected the Union and promised employees benefits, i.e. a 3% wage increase, if they rejected the Union.

#### AFFIDAVIT OF SERVICE

Pre School of America Attn: Joanne Fan, Owner 101 West End Avenue New York, NY 10023

> Re: Pre School of America Case No. 2-CA-40056

Nicole Buffalano

	AMENDED		
[ X	] CHARGE	[	] PETITION

I certify that I served the above-referenced letter this day by post paid regular mail on the addressee above together with a transmittal letter. This is a true copy.

(Signature)

Subscribed and sworn to before me

This \_\_\_\_\_\_ day of <u>January</u> 2011

**Designated Agent**